

Oxford House™ and The Law

Oxford House™ began in 1975 as both a traditional and unique sort of organization. It is traditional in its organization as a nonprofit tax-exempt corporation. It is unique in its purpose and its product is the development and application of a concept and system of operations for recovering alcoholics and drug addicts to operate self-run and self-supported recovery homes. From the uniqueness of Oxford House™ has grown a successful program that significantly improves treatment outcomes for thousands of individuals recovering from alcoholism and drug addiction.

This paper discusses how ordinary laws apply to the unique Oxford House program. Local government officials, landlords, casualty insurance companies and law enforcement officials may find the information useful.

I. Oxford House™ Basis: §2036 of PL 100-690

Congress enacted PL 100-690 [42 USC 11707], the federal Anti-Drug Abuse Act of 1988, during the closing months of the Reagan Administration. Section 2036 of that Act relates to an incentive program to establish recovery self-help homes for alcoholics and drug addicts based upon the Oxford House model. The following remarks during consideration of the legislation by the late Congressman from Illinois, Edward R. Madigan, then ranking Republican on the House Energy and Commerce Committee Health Subcommittee, shows the nexus between the law and Oxford House.

Chairman Henry Waxman (D.CA) and I included, as part of the block grant treatment provisions of this bill, a mandatory set-aside of \$100,000 in each State to establish a revolving loan fund to provide loans to start self-run and self-supported recovery housing throughout the country. We did so because we believe that we have discovered a cost-effective program that has had great success in reducing relapse - a phenomenon that makes recovery from alcoholism or drug addiction so frustrating. I want to take a few minutes to share with my colleagues what we have learned.

Thirteen years ago a group of recovering individuals in the Washington, D.C. area responded to the closing of a Government run half-way house by assuming the lease on that half-way house and running it on their own. They called the operation Oxford House. Today over 200 recovering individuals live in 18 such houses in the Washington, D.C. area and in Bethlehem, PA. Fifteen are for men and four are for women.

Each is an alcohol and drug free group house rented by recovering individuals and democratically run on a self-supporting basis. Each house was started by borrowing enough money for the first month's rent and security deposit. Within 2 years, each house has repaid the money it has borrowed. The repayment of the start-up loans has permitted other loans for new houses to get started.

The loan concept in this bill provides the catalyst to replicate recovery housing throughout the country without taking anything away from the self-help concept that makes Oxford House work.

Congressman Madigan and full Committee Chairman John Dingle (D. MI) went on to encourage the Secretary of Health and Human Services to work with Oxford House to implement the new program immediately. President Ronald Reagan signed the Anti-Drug Abuse Act of 1988 into law November 18, 1988. By 2004, the number of Oxford Houses has grown from 18 in 1988 to 1,087. The law is a catalyst for Oxford House™ expansion.

¹ *Congressional Record*, Vol. 134, No. 152 November 10, 1988, reprinting floor remarks of Friday, October 21, 1988 made during consideration of the bill.

II. Oxford House™: Defined by Federal Law

The Federal Anti-Drug Abuse Act of 1988, PL 100-690 §2036, established the requirement that states establish recovery home revolving loan funds and, in the following subsection, spells out how such homes should operate:

"(6) to ensure that such loans are made only to nonprofit entities agreeing that, in the operation of the program established pursuant to the loan -

"(A) the use of alcohol or any illegal drug in the housing provided by the program shall be prohibited;

"(B) any resident of the housing who violates such prohibition will be expelled from the housing;

"(C) the costs of the housing, including fees for rent and utilities, will be paid by the residents of such housing, and

"(D) the residents of the housing will, through a majority vote of the residents, otherwise establish policies governing residence in the housing, including the manner in which applications for residence in the housing are approved."²

The importance of the specific criteria is two-fold:

- (1) it limits recipients of the recovery house revolving loan fund money to entities having the program content enumerated in paragraphs (A) through (D) printed above; and
- (2) it supersedes local landlord/tenant laws that might otherwise afford notice, hearings or other due process to the expulsion or admission of residents from or into the self-run, self-supported recovery home.

The federal guidelines issued by the Department of Health and Human Resources, April 19, 1989, further clarify the federal requirements for self-run, self-supported recovery homes receiving a start-up loan under the program. Specifically, the federal guidelines defined the requirements on the recipient group as follows:

They must agree: (1) To maintain the house as an alcohol and drug free environment; (2) that the residents of the house will remain alcohol and drug free; (3) that any resident of the house who violates the pledge will be expelled from the house; (4) that the costs of the housing, including rent and utilities, will be borne by the residents; and (5) that the house will be operated as a self-managed democracy.³

The requirements of federal law place a responsibility upon an individual Oxford House that has received a start-up loan under the program. However, the requirements also provide local law enforcement officials the rationale for assisting a house trying to expel a resident who has relapsed or otherwise violated the rules adopted by the group by majority vote in compliance with subparagraph (D) of the statute. Residents expelled by their peers usually leave without trouble. However, the federal law enables local law enforcement to assist should an expelled resident refuse to leave.

It is always a good idea to acquaint the local police and judicial system about the Oxford House program shortly after a new house opens. Knowledge of the program and the laws under which it operates can pay an important dividend later. These entities may also refer new residents in recovery to the house.

In summary, because the federal law has specific criteria, those criteria trump any local laws related to expulsion or eviction. Oxford Houses are **not** rooming houses or landlords. (See III. Federal Courts Find Oxford Houses Protected under Federal Fair Housing Act.) They are recovery homes authorized and funded under the Federal Anti-Drug Abuse Act of 1988. As such, the residents of each house must follow democratic majority rule in all their house affairs and always immediately expel any resident who returns to using alcohol and/or drugs.

² Codified §11916A, 42 USC 300x-4a

³ Federal Register, Vol. 54, No. 54, page 15809, April 29, 1989.